

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7010

OSCAR AUGUSTO UGARTE-SALAS,

Petitioner - Appellant,

versus

LOUIS D. CROCETTI, JR., United States
Immigration and Naturalization Service,
Baltimore, Maryland Office; JOHN ASHCROFT,
Attorney General of the United States,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Marvin J. Garbis, District Judge. (CA-01-
2894-MJG)

Submitted: December 17, 2002

Decided: January 3, 2003

Before WILKINS, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sheldon R. Lipson, LAW OFFICE OF SHELDON LIPSON, Bethesda,
Maryland, for Appellant. Robert D. McCallum, Jr., Assistant
Attorney General, Emily Anne Radford, Assistant Director, Papu
Sandhu, Office of Immigration Litigation, UNITED STATES DEPARTMENT
OF JUSTICE, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Oscar Augusto Ugarte-Salas, a native and citizen of Peru, appeals the district court order denying his 28 U.S.C. § 2241 (2000) petition for a writ of habeas corpus. Ugarte-Salas challenged the Board of Immigration Appeals' decision to affirm the denial of discretionary § 212(c) relief and deny the motion to remand. We affirm.

We find there is no merit to Ugarte-Salas' argument that the Immigration Judge was without jurisdiction to rule on the merits of his application for § 212(c) relief. He has not shown that the proceedings improperly denied his application for § 212(c) relief. In addition, we affirm the district court's finding that it was without jurisdiction to review the merits of the discretionary denial of 212(c) relief. See Bowrin v. I.N.S., 194 F.3d 483, 490 (4th Cir. 1999) ("Only questions of pure law will be considered on § 2241 habeas review. Review of factual or discretionary issues is prohibited.")

We affirm the district court's order. We grant Ugarte-Salas' motion to supplement the appendix. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED